



CRM-M-46632-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-46632-2025
Decided on :29.08.2025**

RAJBIR SINGH @ KALU**.....Petitioner****Versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Jasdeep Singh, Addl. A.G., Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed by the petitioner, seeking grant of regular bail in case bearing FIR No.62, dated 14.04.2023, under Section(s) 22 of NDPS Act, registered at Police Station Dharamkot, District Moga.

2. Counsel for the petitioner submits that 50 loose tablets of Etizolam were recovered from possession of the petitioner, which, as per the FSL report, amounts to 6.4 grams in actual weight, while 2.5 grams is considered the maximum of a non-commercial quantity. However, it is submitted that petitioner is in custody for a period of more than 02 years, 04 months and 11 days. Despite this prolonged incarceration, prosecution has failed to exhaust the list of witnesses, as only 07 out of the total 10 witnesses have been examined so far. Thus, counsel prays for grant of regular bail to the petitioner in the present case.



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3. On the other hand, learned State counsel has filed custody certificate in the Court today and the same is taken on record.

4. While opposing the contentions raised by counsel for the petitioner, learned State counsel submits that offences of this nature are currently on the rise in the State and, therefore, deserve serious consideration. Learned State counsel further submits that petitioner is involved in four other cases. Learned State counsel also submits that 07 prosecution witnesses have already been examined by the prosecution. However, no explanation has been provided for the delay in completion of the trial, despite petitioner being in custody since April, 2023. There is also no indication as to how much additional time the prosecution would require to conclude its evidence.

5. This Court has heard the submissions advanced by counsel for the parties, perused the record available on file, and also examined the custody certificate submitted by learned State counsel. Upon review, it is noticed that petitioner has undergone incarceration for a period more than two years. Furthermore, personal liberty of the petitioner cannot be curtailed for an indefinite period merely due to the slow pace of the trial. In view of the above circumstances, prayer made in the present petition is allowed.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/

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Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned,
if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

29.08.2025

Rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**